

Pennsylvania State Board of Medicine
ATT: **Tammy Dougherty, Board Chief**
P.O. Box 2649
Harrisburg, PA 17105-2649
(717) 787-2381 / Fax: (717) 787-7769

March 3rd, 2015

Re: Waiver Request
Retest USMLE Step I under the Americans with Disabilities Act

Dear Ms. Dougherty:

My name is Richard Katz I am a Medical Graduate with Bipolar Disorder and I currently reside in East Stroudsburg, PA. On April 1st of 2014 I wrote an appeal to the Educational Commission for Foreign Medical Graduates and the National Board of Medical Examiners regarding the Six Attempt Limit Rule that was instituted by the USMLE Organization in 2011. I explained the nature of my disability and provided a plethora of documentation including medical and psychological reports dating as far back as 2005. I initially applied for exam accommodations and extended exam time through NBME Disabilities Services in 2005 under a diagnosis of ADHD and was denied. The appeal that I submitted April 1st 2014 to NBME focused on this misdiagnosis and explained the current diagnosis of Bipolar Disorder that was only recently uncovered in 2013.

Amy Bueno from the USMLE Secretariat Office responded by email on April 17, 2014 refusing any concessions for additional attempts at USMLE Step I. This letter is attached below for your review. Moreover, Ms. Bueno did not acknowledge my past or current psychiatric diagnosis nor did she attempt to make any recommendations other than citing the following:

"According to the USMLE Bulletin of Information, the only exception to this policy (Six Attempt Limit Rule) identified by the USMLE Composite Committee) the governing body of the USMLE program) involves state medical boards. The policy includes a provision to allow examinees who have six or more attempts at a Step or component to have an additional attempt if so requested by a state medical board that is fully informed of the individual's prior examination history."

Today I received an email message from my local State Representative, David Parker. This email included a response to the above inquiry from Wayne C. Crawford, Esq. an attorney from the State of Pennsylvania Board of Professional Licensure. Attorney

Crawford recommended that I write your office in order to request a waiver so I may be granted another attempt at USMLE Step I.

I would appreciate very much if you would take the time to review the PDF file attached in order to get the full scope of the current dilemma. Presently, Nabina Sinha an Attorney from the Civil Rights Section of The Department of Justice is investigating this matter at the request of Senator Toomey's office. You will see correspondence from DOJ and Senator Toomey in the accompanied file.

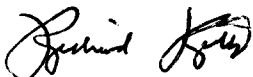
I was advised by Senator Toomey's office to contact State Representative David Parker's Office regarding the above exception that is outlined in the paragraph above, subsequently cited from the USMLE Bulletin.

I am confident that after reading the complete attached file you will agree that I was never given a fair shake by the NBME and the USMLE Organization with regard to my disability. The playing field was not equal as exam accommodations and extended exam time were never granted by NBME despite having adequate supporting documentation. Instead I struggled and attempted to tough it out under regular exam conditions as I was only a few points away from passing USMLE Step I to only have the gate shut in my face and to be told that I am out of bats and that I have essentially struck out. The main problem all along was the clock and my difficulties with processing speed and executive function secondary to Bipolar Disorder. I should preface that my difficulties are not related to the content of the material or my fundamental knowledge base of medicine, only with the lack of time given to me under regular exam conditions.

Please contact me if you require any additional documentation in consideration of whether to grant me a waiver for USMLE Step I. I can be reached at (570) 517-9314

I thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Richard Katz", with a stylized flourish at the end.

Richard Katz



**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL**

Teresa Lazo,
Assistant Counsel

tlazo@g.pa.gov

April 3, 2015

VIA FIRST CLASS MAIL

Richard Katz
3364 Parker Lane
East Stroudsburg, PA 18301-8737

RE: Request for waiver of six attempt limit on USMLE step I

Dear Mr. Katz:

Your letter dated March 3, 2015, directed to the Chief of the Health Licensing Division at the Pennsylvania Bureau of Professional and Occupational Affairs was forwarded to my office for response. Your letter and included materials will be placed on the Agenda for the State Board of Medicine. The next meeting date is April 20, 2015. You should hear from the Board again about a week after that date.

Sincerely,

A handwritten signature in cursive script that reads "Teresa Lazo".

Teresa Lazo, Esquire
Counsel, State Board of Medicine

c: Patrick J. Toomey, U.S. Senator
Representative David Parker
Wayne C. Crawford, Esquire
Disability Services, NBME
Amy Buono, Office of the USMLE Secretariat

DEPARTMENT OF STATE/OFFICE OF CHIEF COUNSEL
2601 North 3rd Street/P.O. Box 69523/HARRISBURG, PA 17106-9523
phone: 717-783-7200/Fax: 717-787-0251/ WWW.DOS.STATE.PA.US





COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL

Teresa Lazo
Assistant Counsel

tlazo@pa.gov

June 4, 2015

VIA FIRST CLASS MAIL

Charles Weiner, Esquire
Cambria Corporate Center
501 Cambria Avenue
Bensalem, PA 19020

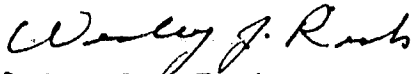
RE: Richard Katz – request for accommodations on USMLE Step 1 and request for waiver of six-attempt limit

Dear Mr. Weiner:

At its meeting on May 19, 2015, the Pennsylvania State Board of Medicine (Board) considered the request of your client, Richard Katz, for accommodations on the USMLE Step 1 examination and for a waiver of the six-attempt limit. As you are aware, it is the National Board of Medical Examiners (NBME), not the Board, which must consider and grant or deny requests for testing accommodations. From the material submitted in support of the request, it appears that the NBME has denied the accommodations requested by your client and that you are currently representing him in an appeal under the appropriate Federal law.

The Board determined that the request to waive the six-attempt limit is premature. If you are successful in your appeal, the Board anticipates that the NBME will grant reasonable accommodations and authorize your client to re-test. If for some reason the NBME will provide accommodations but will not allow re-testing without authorization from the Board to waive the six-attempt limit, please correspond with us again and that matter will be presented to the Board for action.

Very truly yours,


For Teresa Lazo, Esquire
Counsel, State Board of Medicine

c: Suzanne Zerbe, Board Administrator
State Board of Medicine

SIX Attempt Limit Rule USMLE Step I

Inbox 1855

Sent items

Deleted items

Archived items 467

Outbox

Spam

Unread 6

Spam

Spam

Spam

Spam

Spam

Spam

Spam 353

Spam

Spam

Spam

Spam 3

Spam

Spam 5

Spam

RICHARD KATZ

Richard Katz MD (1)

You forwarded this message on 6/9/2015 7:20 AM

From: Richard Katz MD (1)

To: Richard Katz MD (1)

Dear Mr. Rish:

My Attorney Charles Weiner sent me the attached copy of your letter dated June 4th 2015. Please note Attorney Weiner's accommodations on the USMLE Step 1 exam as he stated in his April 7th 2015 letter to the Pennsylvania State Medical Board which Attorney Weiner can do nothing to help my current situation. This was the reason for contacting Rep David I was seeking relief at the State level from Rep. David Parker's Office who has jurisdiction in matters such as this. The Department Federal Component of this problem under the ADA that is within their jurisdiction.

I have just reviewed your letter with Attorney Weiner and there is currently an issue at hand that goes back to to a Forwarding to your attention below. This email was also in the packet that I sent to your attention by US mail. I am

Currently I am NOT able to apply for exam accommodations due to my disability through NBME Disability Services Limit Rule. I have essentially been locked out of their computer system for USMLE Step I. I can however still apply contacting you was to justify a waiver from the State Board so I may actively apply for the Step I exam and would seek Weiner's help. At this point we are not able to apply for Exam Accommodations because I am unable to apply for the

This is really a Catch22 situation that I am currently subject to. Would it suffice the PA Medical Board, if I apply for with Attorney Weiner's help? Would the State Medical Board then consider the waiver for Step I? Please advise accordingly.

Please contact me at (570) 517-9314 to discuss this matter further, or if you prefer I would be willing to make an appointment.

Thanks for your time,

Richard Katz

* As of 06/15/2015 State of Pennsylvania Medical Board has yet to respond! *